

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAURA FUJISAWA, et al.	)	No. C07-5642 BZ
	)	
Plaintiff(s),	)	Related Cases: C07-3431 BZ
	)	C08-4118 BZ
v.	)	C09-2016 BZ
	)	
COMPASS VISION, INC., et	)	ORDER OVERRULING OBJECTIONS
al.,	)	OF THE CALIFORNIA STATE
	)	BOARD OF PHARMACY
	)	
	)	
Defendant(s).	)	
_____	)	

The objections of the California State Board of Pharmacy to the order denying motions to seal to are **DENIED** for the following reasons:

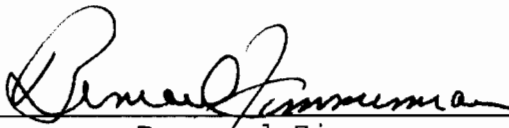
1. The fact that the parties stipulated that the documents at issue contained confidential information in a related proceeding is inadequate to prevent them from becoming part of the public record filed in connection with a dispositive motion in this action. Civil L.R. 79-5; See Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006).

1           2. The Board's showing is conclusory and provides no  
2 specific examples of how disclosure of the documents at issue  
3 would harm anyone.

4           3. To the extent that the Board is concerned that Dr.  
5 Fujisawa's privacy rights are being violated, she has waived  
6 some of those rights by filing this lawsuit. Moreover, the  
7 Board has not identified any specific portions of Dr.  
8 Fujisawa's records that it believes should be sealed to  
9 protect her privacy rights.

10          4. To the extent that the Board has a concern that  
11 having information on "detection and monitoring techniques  
12 used to monitor compliance with program requirements" become  
13 public may give potential participants a "road map" on how to  
14 manipulate the Board's program, the Board has failed to point  
15 out which portions of its very lengthy policies and procedures  
16 would create this risk.

17 Dated: August 2, 2010

18   
19 \_\_\_\_\_  
20 Bernard Zimmerman

United States Magistrate Judge

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